

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL L. RUCKS, JR.,

Defendant.

**4:22CR3030**

**ORDER**

Defendant has moved to continue the trial, (Filing No. 51), because Defendant is requesting additional discovery from the government for examination by his expert. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 51), is granted.
- 2) The trial of this case is set to commence before John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 2, 2023, or as soon thereafter as the case may be called, for a duration of eight (8) trial days. Jury selection will be held at commencement of trial.
- 3) Expert witness disclosures as required under Rule 16 must be served on or before September 22, 2023
- 4) The time between July 11, 2023 and October 2, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act because the parties require additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under the court's

local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

July 11, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge